

**FURTHER AMENDED RULE 13-13 OF APPENDIX 1 OF THE MASSACHUSETTS LOCAL BANKRUPTCY  
RULES – EFFECTIVE SEPTEMBER 17, 2015, SEE STANDING ORDER 2015-03A (AMENDED)**

**RULE 13-13. PROOFS OF CLAIM AND OBJECTIONS**

- (a) All secured, priority, or unsecured creditors of the debtor must have an allowed claim in order to participate in distributions under the plan. To be eligible to have an allowed claim, a creditor, including a secured creditor who holds a mortgage on the debtor's property, must timely file a proof of claim that conforms to Official Form B10 and Fed. R. Bank. P. 3001, unless a surrogate proof of claim is timely filed by the debtor or chapter 13 trustee in accordance with Fed. R. Bankr. P. 3004. A proof of claim, other than a proof of claim filed by a governmental unit, is timely filed if filed no later than 90 days after the first date set for the meeting of creditors or the order of conversion to a chapter 13 case, unless the court grants an extension of time to file a ~~secured~~ proof of claim. A proof of claim filed by a governmental unit is timely filed if it is filed within 180 days after the date of the order for relief or the order of conversion to a chapter 13 case, unless the court grants a motion for an extension of time to file the proof of claim.
- (b) On motion filed by a creditor before the expiration of the time to file a proof of claim, the court may extend the deadline by not more than 30 days from the date of the order granting the motion (the original or extended original deadline being the "Initial Filing Deadline"). If a named creditor which has been separately treated in a plan (e.g., a secured creditor, a priority creditor, a creditor with a non-dischargeable claim or a creditor to whom section 1301 applies) (a "Designated Creditor") does not timely file a proof of claim, the debtor must file a surrogate proof of claim for that creditor pursuant to Fed. R. Bankr. P. 3004 within 30 days after the expiration of the Initial Filing Deadline (the "Surrogate Filing Deadline"). Upon the filing of a surrogate proof of claim, the Clerk shall issue a "Notice of Proof of Claim Filed under Fed. R. Bankr. P. 3004," establishing a deadline by which a creditor on whose behalf a proof of claim has been filed, may file an amended proof of claim. Within 7 days of the filing of an amended proof of claim by such creditor, the creditor shall file a certificate of service reflecting service of the amended proof of claim on the trustee and the debtor's attorney or the debtor if the debtor is appearing pro se. In the event an amended proof of claim is not timely filed in accordance with this rule, the surrogate proof of claim filed under Fed. R. Bankr. P. 3004 shall be the allowed claim under 11 U.S.C. §§ 502(a) and 506, as applicable.

In the event the plan provides for payment to a Designated Creditor with an unfiled claim and no surrogate claim has been filed by the Surrogate Filing Deadline, the deadline for filing a surrogate claim for that Designated Creditor shall be deemed

extended for an additional 30 days (the “Extended Surrogate Filing Deadline”); and the chapter 13 trustee must (a) file an objection to confirmation of the plan if the plan is not confirmed or a motion to dismiss the case no later than 10 days after the Surrogate Filing Deadline, on the grounds that the plan is not feasible because of the proposed distribution to a claimant for whom a claim has not been filed, and (b) seek an expedited or emergency determination and/or a hearing to be set prior to the Extended Surrogate Filing Deadline. The debtor or trustee may seek a further extension of time for filing a surrogate proof of claim by filing, prior to the expiration of the Extended Surrogate Filing Deadline, a motion to further extend that deadline. In the event a Designated Creditor does not timely file a proof of claim and a surrogate claim is not timely filed in accordance with the foregoing deadlines, the chapter 13 trustee shall not distribute any monies to such creditor even though the creditor is listed in the debtor's schedules or the plan provides for payment to such creditor. Failure by debtor's counsel to file a surrogate proof of claim for a Designated Creditor who has not timely filed a proof of claim may be a factor in the Court's determination of the compensation due to that attorney.

- (c) If a claim is secured by a mortgage or other collateral, the claimant shall attach a copy of the original note, mortgage or security agreement to the proof of claim. If the claimant is not the original holder of the note and mortgage or security agreement, in addition to the documents described above, the claimant shall attach copies of any and all assignments or other appropriate documentation sufficient to trace the chain of ownership of the note, mortgage, or security agreement, and to establish its standing to file the proof of claim. In addition, a proof of secured claim shall include a separate document setting forth a detailed itemization of all amounts asserted to be due. The itemization shall set forth an accounting of the principal, interest, costs and all expenses charged under the agreement or statute under which the claim arose, including but not limited to an itemization of expenses of any notices, foreclosure sales, advertisements, appraisals, and attorneys' fees charged. The Court, in its discretion, may order a claimant or a claimant's attorney to file an application for compensation and reimbursement of expenses in accordance with MLBR 2016-1 or an accounting of any and all amounts due, including prepetition or postpetition arrearages.
- (d) A debtor or trustee filing a surrogate claim in accordance with Fed. R. Bankr. P. 3004 shall affix such documentation to support the claim as may be available but shall be excused from the provisions of (a-c) above and Fed. R. Bankr. P. 3001(c)(2) and, in the event the surrogate claim is in connection with a claim secured by a security interest in the debtor's principal residence, the filing of Official Form B10 (Attachment A).

- (e) Only the provisions of MLBR 3007-1(a), (c), (d) and (f) apply to chapter 13 cases. A party objecting to claims shall attach a notice to the objection filed with the Court, which shall advise claimant(s) that a response to the objection must be filed within 30 days of the filing of the objection with the Court. The objecting party shall serve the objection and the notice on the claimant at the address noted on the proof of claim or any subsequent address provided to the Court by the claimant and upon any other party entitled to notice together with a certificate of service.
- (f) Within seven (7) days after filing a response to an objection to a proof of claim, the objecting party (whether the trustee, counsel to the debtor, or a pro se debtor) shall confer with counsel to the claimant, either in person or by telephone conference to make a good faith effort to resolve or narrow disputes as to the contents of the objection to claim. Counsel to the objecting party, the chapter 13 trustee or the pro se debtor shall be responsible for initiating the conference by telephone, facsimile, email, first class mail, or in person. Such communications shall be for the purposes of initiating the conference only, and the conference must be held either in person or by telephone. The Court shall not schedule a hearing on an objection to claim unless counsel to the objecting party or a pro se debtor files a certificate stating that the conference was held, together with the date and time of the conference, and the names of the participating parties. If the conference is not held despite timely efforts to initiate the conference, the party initiating the conference must file a statement attesting to the efforts made to initiate the conference. In the event the parties do not hold the required conference, the Court may order appropriate sanctions, including sustaining or overruling the objection to claim or awarding monetary sanctions. The requirement of a conference shall not apply in the event the court determines that expedited or emergency consideration of the objection to claim is warranted.
- (g) Objections to claims shall be served and filed with the Court within thirty (30) days after the deadline for filing proofs of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and paid by the chapter 13 trustee in accordance with the provisions of the confirmed plan. The Court, in its discretion, may overrule an untimely objection to a proof of claim.
- (h) If the Court has determined the allowed amount of a secured or unsecured claim in the context of a valuation hearing pursuant to 11 U.S.C. § 506, the debtor or trustee need not file an objection to a secured creditor's proof of claim that varies from the Court's determination, and the chapter 13 trustee shall make distribution in accordance with the Court's order.